

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WESLEY T. MOORE,)
)
)
Plaintiff,)
)
vs.) Case No. CIV-11-86-M
)
CITY OF OKLAHOMA CITY and)
DANIEL GODSIL,)
)
Defendants.)

ORDER

Before the Court is plaintiff's Motion for Permission to Appeal Interlocutory Order (Doc #74) with Brief in Support, filed February 7, 2012. On February 28, 2012, defendant Daniel Godsil filed his objection. Based upon the parties' submissions, the Court makes its determination.

Plaintiff moves this Court to amend its February 2, 2012 Order denying plaintiff's Motion to Amend Petition to include the language required by 28 U.S.C. § 1292(b) and Federal Rule of Appellate Procedure 5(a)(3), for an immediate appeal. Section 1292(b) provides, in pertinent part:

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order.

28 U.S.C. § 1292(b). All of the statutory requirements of Section 1292(b) must be satisfied to warrant certification for immediate interlocutory appeal by a district court. *Ahrenholz v. Bd. of Trustees of Univ. of Ill.*, 219 F.3d 674, 676 (7th Cir. 2000). Thus, in determining whether to certify an order for interlocutory appeal, a court must find the following: (1) the order is not otherwise

appealable;¹ (2) the order involves a controlling question of law; (3) there is substantial ground for difference of opinion as to the question at issue; and (4) an immediate appeal will materially advance the termination of litigation.

Having carefully reviewed the parties' submissions, the Court finds that the statutory requirements of Section 1292(b) are not met in this case. Specifically, the Court finds that plaintiff has not shown that there is substantial ground for difference of opinion as to the Court's ruling on plaintiff's Motion to Amend Petition. Accordingly, the Court DENIES plaintiff's Motion for Permission to Appeal Interlocutory Order (Doc #74) [docket no. 75].

IT IS SO ORDERED this 9th day of March, 2012.



VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE

¹There is no dispute that the Court's February 2, 2012 Order is not otherwise appealable by statute.